

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VOLKSWAGEN OF AMERICA, INC.,

Plaintiff,

Case No. 07-14992

v.

John Corbett O'Meara

MHL TEK, LLC, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On November 21, 2007, Plaintiff filed a complaint setting forth four counts: Count I, unfair competition under Michigan law; Count II, declaratory judgment of patent non-infringement; Count III, declaratory judgment of patent invalidity; and Count IV, declaratory judgment of patent unenforceability. Although Counts II, III, and IV are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. Because the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Count I of Plaintiff's complaint is DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: December 3, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 3, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager